

**SECOND AMENDMENT TO THE
MEMORANDUM OF AGREEMENT
AMONG
THE U.S. NUCLEAR REGULATORY COMMISSION,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
AND THE UTAH STATE HISTORIC PRESERVATION OFFICE
REGARDING
THE WHITE MESA URANIUM PROJECT IN THE VICINITY OF
BLANDING, UTAH**

WHEREAS, the Nuclear Regulatory Commission (NRC), the Utah State Historic Preservation Officer (SHPO), and the Advisory Council on Historic Preservation (ACHP) executed a Memorandum of Agreement (MOA) on August 15, 1979, for issuance of a Source Materials License to Energy Fuels Nuclear, Inc.'s White Mesa Uranium Mill Project (the Project) in the vicinity of Blanding, Utah; and

WHEREAS, the current licensee is Energy Fuels Resources (USA) Inc., and

WHEREAS, in 1983, the NRC, SHPO, and ACHP amended the MOA (1983 Amended MOA) to require NRC to amend its license for the undertaking to include certain mitigation measures described under the "Stipulations" section of the 1983 Amended MOA; and

WHEREAS, subsequent to executing the 1983 Amended MOA, the State of Utah, on August 10, 2004, assumed regulatory authority over byproduct material as defined by Section 11e.(2) of the Atomic Energy Act of 1954, as amended, and authority over extraction and concentration of source material from source material ore; and

WHEREAS, when the State of Utah assumed these regulatory authorities in 2004, the Source Materials License was transferred from the NRC to the State of Utah, and the NRC no longer had regulatory authority over the activity or material authorized by the license, and thus the NRC no longer had an obligation to comply with Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108) for this Project; and

WHEREAS, the State of Utah possesses a cultural resource compliance law, entitled Utah Code Annotated 9-8-404, that would apply to the subject property and the Utah Department of Environmental Quality must comply with this state law and consult with the State Historic Preservation Office on all its undertakings; and

WHEREAS, the NRC, SHPO, and ACHP agree that a second amendment to the MOA should be executed to reflect the transfer of regulatory authority of the activity and material authorized by this license from the NRC to the State of Utah and to force the MOA's expiration; and

NOW, THEREFORE, in accordance with 36 CFR § 800.6(c), the NRC, ACHP, and the SHPO agree to amend the MOA as follows:

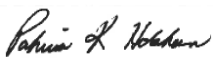
Add a new stipulation:

7. The MOA, as amended in 1983 will expire immediately upon execution of this Second Amendment.

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SIGNATORY:

The U.S. Nuclear Regulatory Commission

By: _____  Signed by Holahan, Patricia
on 03/31/21 _____ Date 03/31/2021

Patricia K. Holahan, Director of the Division of Decommissioning, Uranium Recovery
and Waste Programs

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SIGNATORY:

Utah State Historic Preservation Office

By: _____ Date _____

Christopher Merritt, Utah State Historic Preservation Officer

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SIGNATORY:

Advisory Council on Historic Preservation

By: _____ Date

John M. Fowler, Executive Director